

## MILPERSMAN 1050-290

### POLICY CONCERNING LIBERTY

<b>Responsible Office</b>	OPNAV (N13)	Phone:	DSN COM FAX	225-3304 (703) 695-3304 (703) 695-3311
---------------------------	-------------	--------	-------------------	--

<b>References</b>	(a) DoD Directive 1327.5 29 Nov 04 (b) Manual for Courts-Martial United States (2008 Edition)
-------------------	---

1. **General Policy.** Commanding officers (COs) may grant liberty for any period of 4 days or less. As an instrument of command management, liberty is normally granted to persons **not** required

- a. to be physically present to complete unfinished work assignments,
- b. for additional essential work, or
- c. to maintain a level of operational readiness.

2. **Prohibitions/Limitations/Exceptions to Granting Liberty.**

Use the following instructions before granting liberty to a member:

a. **Members with diseases:**

(1) Do not grant liberty to members under treatment for infectious or contagious diseases, while in an infectious stage, except in cases of urgent personal matters.

(2) Before granting liberty to a member with an infectious or contagious disease the CO should first consult with the member's physician to ensure safety of the public.

b. **Restrictions on combining periods of liberty and/or leave:**

(1) Do not combine periods of special liberty with regular liberty in order to exceed restrictions regarding 4-day special liberty.

(2) Do not combine liberty periods with leave when leaving the immediate geographic area of the duty station, as defined by the local command.

(3) Special liberty may be combined with leave. The member must be physically present within the geographic area (as defined by the local command) for the period of special liberty. If the member is not physically present within the geographic area for the duration of special liberty (when combined with leave), the entire period of leave and special liberty will be charged as leave.

**c. Restrictions on combining periods of liberty with temporary duty (TDY) or temporary additional duty (TAD):**

(1) Liberty may not be authorized at the beginning or end of a period of TDY or TAD for the purpose of extending the period of TDY/TAD, per reference (a).

(2) This prohibition does not include normal liberty periods which do not result in an extension of the period of TDY/TAD.

(3) Example: A member is sent TDY/TAD to San Diego, CA from Norfolk, VA. The member is in a TDY/TAD status from Monday through Friday, but the member decides to remain in San Diego over the weekend to visit family and fly back on Sunday. The member would be charged leave for Saturday and Sunday because the member extended the period of TDY/TAD.

**3. Extending Liberty Period.** When a member requests an extension of an authorized liberty period, and the time (liberty and extension) exceeds 4 days, that portion exceeding the regular liberty shall be charged to the member's leave account.

**4. When a Public Holiday Falls on Weekend.** Use the rules in the table below to consider Friday or Monday as a holiday, when a regular holiday falls on a weekend:

WHEN public holiday falls...	THEN ...
on Saturday,	the preceding Friday also will be considered a holiday.
on Sunday,	the following Monday also will be considered a holiday.
within authorized dates of leave,	the holiday is charged as leave.

**NOTE:** Personnel not on duty are in a regular liberty status on holidays.

5. **Liberty for In-Port Duty on Holidays.** When possible, grant members liberty following in-port duty on national holidays, using the rules in the table below:

WHEN ...	AND ...	THEN ...
this liberty is granted,		it should fall on the first workday following the holiday.
the holiday is a Saturday,	the member has duty on Friday (the federally observed day),	give Monday off as liberty.
the holiday is a Sunday,	the member has duty on Monday (the federally observed day),	give Tuesday off as liberty.

6. **Public Holidays and Dates.** Public holidays are governed by law and will be observed except when military operations prevent. The following table lists public holidays and the dates they are to be observed:

HOLIDAY	DATE OBSERVED
New Year's Day	1 January
Martin Luther King	the third Monday in January
Presidents Day	the third Monday in February
Memorial Day	the last Monday in May
Independence Day	4 July
Labor Day	the first Monday in September
Columbus Day	the second Monday in October
Veterans Day	11 November
Thanksgiving Day	the fourth Thursday in November
Christmas Day	25 December
Other	when directed by proper authority under law

7. **Depriving Liberty**

a. Subject to reference (b), restriction awarded by courts-martial or at captain's mast (nonjudicial punishment (NJP)) can result in deprivation of liberty.

b. Assignment of extra duties should not be construed as depriving liberty on shore, except during the hours when the extra duties are performed. Upon completion of the assigned daily extra duty, the member should be granted normal liberty if otherwise entitled to it.